

## **FISH and WILDLIFE COMMISSION AGENDA ITEM COVER SHEET**

**Meeting Date:** August 9, 2018

**Agenda Item:** Permanent Access Assignment to FWP for Dry Cottonwood Creek and Deer Lodge River Ranches, in Region 2

**Division:** Wildlife **Action Needed:** (Final)

**Time Needed on Agenda for this Presentation:** 10 minutes

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### **Background:**

Montana Fish, Wildlife and Parks proposed to accept assignment of the “right of public access” component of a conservation easement to be held by the Montana Land Reliance on the Dry Cottonwood Creek and Deer Lodge River Ranches (the Ranches) in Deer Lodge County. The Ranches are comprised of a diverse mix of habitat, including 5.5 miles of the Clark Fork River, big game winter range, and irrigated meadows. MLR would purchase a CE on the Ranches to protect the water resources, wildlife habitat, working agricultural ground, and public recreation opportunities currently present on 3,409 acres. MLR would then assign to FWP the portion of the CE that provides for public hunting access on the entire project area and public recreational access to the Clark Fork River corridor. Following guidance in the CE and Public Access Plan, FWP would be responsible for verifying that the landowner offers the opportunity for at least 800 hunter days of fair and equitable, free, public hunting access each year into the future. FWP would also be responsible for verifying that the landowner offers the opportunity for free, year-round, public recreational access within a posted (open) and/or otherwise described Clark Fork River corridor. FWP would provide an enforcement presence consistent with other CEs, Block Management Areas, and Fishing Access Sites. The Upper Clark Fork River Basin Remediation and Restoration Trustees Advisory Committee voted on June 21, 2018, to provide funding from the Montana Department of Justice Natural Resource Damage Program to complete this proposed project. No FWP funds would be used to acquire the proposed CE.

### **Public Involvement Process & Results:**

A draft environmental assessment was made available for public comment from June 13 through July 12, 2018. The EA was posted on FWP’s website and comments could be made directly on the EA’s webpage or submitted to Region 2 via mail or email. Legal notices were published twice each in the Anaconda Leader, Independent Record, Missoulian, Montana Standard, Philipsburg Mail and Silver State Post. FWP sent 31 printed copies of the EA and 50 emails of the EA’s availability to adjacent landowners and interested individuals, groups, and agencies. A statewide news release was prepared and distributed on June 13, 2018. FWP held a public hearing on June 26, 2018, in Deer Lodge and five people attended and commented. In all, seven commenters supported the proposal and one did not indicate support or opposition. No comments were received in opposition. One neighbor asked that large-caliber rifles be prohibited in the river bottom. FWP’s response is that while rifles have been allowed for many years in the current BMA, the CE will not require that rifles be allowed in the river bottom, and FWP will work with the commenter and the owner of the land under easement on a provision in the access plan that meets the need—perhaps a safety zone.

### **Alternatives and Analysis:**

No action is the only viable alternative, which would leave MLR with the task of finding another entity other than FWP to administer public access on this CE.

### **Agency Recommendation & Rationale:**

FWP recommends that this public-access project be completed. The project has benefitted from the input of an informed public, not only by way of this Montana Environmental Policy Act project, but also in the NRDP process for funding the project.

### **Proposed Motion:**

I move that the commission approve FWP’s proposal to accept assignment of the “right of public access” component of a conservation easement to be held by the Montana Land Reliance on the Dry Cottonwood Creek and Deer Lodge River Ranches in Deer Lodge County.